

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-1049-2020 (O&M)

Date of decision: 05.01.2021

Surinder Kaur @ Sukhpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amit Shukla, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Surinder Kaur @ Sukhpreet Kaur, aged about 39 years, an accused in FIR No.6 dated 04.11.2019, for offences under Section 120B IPC and Sections 10, 13, 17, 18, 20, 38, 39, 40 of the Unlawful Activities (Prevention) Act, 1967, registered with Police Station State Special Operation Cell, SAS Nagar (Mohali).

Briefly stated facts of the case as per prosecution version are that, a secret information was received by a police party from State Special Operation Cell, SAS Nagar, Mohali while it was present near Airport Road, Mohali to the effect that one Lakhvir Singh, who had recently returned from UAE has got connections with foreign based terrorists outfits/operatives including Paramjit Singh belonging to Babbar

Khalsa International and he had hatched a conspiracy with a foreign intelligence agency and anti national elements to carry out terrorist activities in India and further that Lakhvir Singh was in touch with Surinder Kaur @ Sukhpreet Kaur (present petitioner), who was in contact with Ramandeep Singh, lodged in Bathinda Jail. The information was to the effect that Lakhvir Singh was funding the terrorist operations in the State of Punjab. As far as the petitioner is concerned, the information disclosed that she used to upload objectionable material on the Facebook as well as on social media, which was anti national and anti-social and she had given money to Ramandeep Singh having received an amount of Rs.20,000/- from Lakhvir Singh. In that way, she was also part of conspiracy to purchase arms and ammunitions from Raj Singh Smali who had been previously arrested by police of Uttar Pradesh. After receipt of the information, formal FIR in the matter was recorded. Accused Surinder Kaur @ Sukhpreet Kaur was arrested in this case on 04.11.2019. After completion of investigation and other formalities, challan is said to have been filed against on 11.07.2019.

The petitioner had moved a petition for regular bail before Court of Sessions at SAS Nagar (Mohali), which was assigned to Addl. Sessions Judge, SAS Nagar (Mohali), however, that petition was dismissed on 20.12.2019. As such, she has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is a divorcee, having no connection with the terrorist activities. With regard to allegations of the petitioner having given money to Ramandeep Singh, lodged in Bathinda Jail in some other case, according to learned counsel for the petitioner, he has been declared as innocent in this case. As such the petitioner being a middle aged woman behind bars for more than one year, her health is deteriorating due to continuous confinement, therefore, she be granted concession of bail.

Though, learned State counsel has opposed the prayer for grant of bail but he on instructions from ASI Dalwinder Singh has stated that out of 19 PWs cited by the prosecution, not even one of them has been examined and the petitioner is not involved in any other criminal case.

Considering all the facts and circumstances of the case and the fact that the petitioner is behind bars for more than one year and the trial is at initial stage, inasmuch as not even one PW out of 19 PWs cited has been recorded, without discussing merits of the case, I find it proper and appropriate to grant concession of regular bail to the petitioner. Therefore, the petition is accepted. The petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, SAS Nagarm, Mohali, subject to the following conditions:-

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses; and

(iii)she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

05.01.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No